

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

ROBERT S. VALLELY

PLAINTIFF

vs.

Civil No. 5:06-cv-05184

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

**JUDGMENT**

Comes now the Court on this the **4<sup>th</sup> day of May, 2007**, in accordance with the Memorandum Opinion entered in the above-styled case on today's date, and hereby considers, orders, and adjudicates that the Commissioner's Motion to Remand (Doc. No. 15) is **GRANTED**. The decision of the Commissioner of Social Security is reversed and this matter is remanded to the Commissioner pursuant to sentence four, 42 U.S.C. § 405(g).

If plaintiff wishes to request an award of attorney's fees and costs under the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412, an application may be filed up to thirty (30) days after the judgment becomes "not appealable" i.e., thirty (30) days after the sixty (60) day time for appeal has ended. *See Shalala v. Schaefer*, 509 U.S. 292, 296, 113 S.Ct. 2625 (1993); 28 U.S.C. §§ 2412(d)(1)(B),(d)(2)(G).

**IT IS SO ORDERED AND ADJUDGED** this **4<sup>th</sup> day of May 2007**.

/s/ Barry A. Bryant  
Honorable Barry A. Bryant  
United States Magistrate Judge